



# U.S. DEPARTMENT of STATE

## Barbados

### Country Reports on Human Rights Practices - [2004](#)

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Barbados is a longstanding constitutional democracy with a multiparty, parliamentary form of government. In the May 2003 parliamentary elections, which were considered generally free and fair, citizens returned Prime Minister Owen Arthur of the Barbados Labour Party (BLP) for a third successive term in office. The judiciary is independent.

The Royal Barbados Police Force (RBPF) numbers 1,283 with an additional 123 Special Constables and is responsible for internal law enforcement. The small Barbados Defense Force (BDF) maintains national security and may be called upon to maintain public order in times of crisis, emergency, or other specific need. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed some human rights abuses.

The market-based economy relied on tourism, services, light manufacturing, and agriculture. The country's population is approximately 278,000. The Government was the largest employer, employing about 20 percent of the workforce. Real economic growth was estimated at 2.9 percent and the average inflation rate was approximately 1.4 percent. The unemployment rate fell to 10 percent compared with 11.7 in 2003.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. There were occasional allegations of excessive use of force by police and reports of poor prison conditions. Societal violence against women and children remained problems.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, security forces killed five persons, including two persons during the arrest process, and two individuals who suffered from mental illnesses. In April, police revamped the use of force policy to provide non-lethal means of incapacitating a suspect. All cases remained under investigation at year's end.

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture and inhuman or degrading punishment or other treatment; however there were reports that police sometimes used excessive force. The majority of complaints against the police alleged unprofessional conduct and beating or assault. A Police Complaints Authority was established in September, and by year's end there were 12 complaints filed against the police. Authorities filed charges against three police officers accused of using excessive force against two citizens. In May, three off-duty plainclothes officers beat two spectators following a cricket match. The officers involved were suspended until the trial, which had not occurred at year's end.

Police procedures provide that the police may question suspects, and other persons they hold, only at a police station, except when expressly permitted by a senior divisional officer. An officer must visit detainees at least once every 3 hours to inquire about the detainees' condition. After 24 hours, the detaining authority must submit a written report to the Deputy Commissioner. The authorities must approve and record all movements of detainees between stations. Police regularly were accused of beating suspects to obtain confessions; suspects often recanted their confessions during their trial. There were numerous cases where the only evidence against the accused was a confession.

Prison conditions remained inadequate. The sole adult prison (Glendairy) was antiquated and overcrowded, with more than 1,006 male and female inmates in a 150-year-old structure built for 350 inmates.

There is a separate wing for female prisoners at the adult prison. The sole juvenile prison has separate facilities for boys and girls. There are separate areas for pretrial detainees and convicted prisoners at the prison; however, there was occasional mixing due to space constraints.

The Government allowed private groups to visit prisons to observe conditions, and such visits occurred during the year.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and imprisonment, and the Government generally respected these prohibitions in practice.

The RBPF is responsible for internal law enforcement. Although the police largely were unarmed, special RBPF foot patrols in high crime areas carried firearms in response to public concern. An armed special rapid response unit continued to operate. The law provides that the police can request the BDF to assist them as needed with special joint patrols.

The Office of Professional Responsibility, headed by a superintendent, handled complaints of inappropriate police conduct. In September, the independent Police Complaints Authority began operating to review complaints against the police. The authority reported 12 complaints filed by year's end.

Police are authorized to arrest persons suspected of criminal activity. The Constitution permits detainees to be held without charge for up to 1 week; however, once charged, detainees must be brought before a court of law without unnecessary delay. During the year, two detainees were released after 2 years in prison because the Government failed to bring their cases to court. There is a functioning bail system. Criminal detainees were given prompt access to counsel and were advised of that right immediately after arrest. Access to family members generally was permitted.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary includes the court of first instance, or Magistrate's Court, and the Supreme Court, which consists of the High Court and Court of Appeals. The Governor General, on the recommendation of the Prime Minister and after consultation with the leader of the opposition, appoints the Chief Justice and other judges. Judges serve until the age of 65.

The Constitution provides that persons charged with criminal offenses be given a fair public hearing without unnecessary delay by an independent and impartial court, and the Government generally respected this right in practice. The judicial system provides for the right of due process at each level. The law presumes defendants innocent until proven guilty. The Government provided free legal aid to the indigent in family matters, child support, criminal cases such as rape or murder, and all cases involving minors.

There is a limit of approximately \$2,100 (£1,300) on expenses incurred for appeals by death row prisoners to the Privy Council in London. Two inmates challenged this limit and sued the Government on the grounds that it effectively deprived them of their right to due process. The case was pending at year's end.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

The Government did not censor mail; however, the Government restricted the receipt and importation of foreign publications deemed to be pornographic.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

The independent media were active and expressed a wide variety of views without restriction. There were two independent daily newspapers, both of which presented opposition political views. There were nine radio stations, three of which were owned by the Government. The Caribbean Broadcasting Corporation (CBC) television service (the only television source, excluding direct satellite reception) was government owned. Although CBC was a state enterprise, it regularly reported views opposing government policies.

In October, the CBC refused to air a program critical of police conduct in restricting media access during a high profile wedding.

The Government did not restrict access to the Internet.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. The law requires police approval for public assemblies, which was granted routinely. Gatherings related to school activities do not require written police permission.

A court date still had not been set after students filed charges in 2003 against members of the police for using excessive force in response to student demonstrations at the University of the West Indies in 2001. All parties remained free on bail.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. While the predominant religion was Christianity, members of many other religions worshipped freely.

For more detailed information, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and it was not used.

The Government has not formulated a policy regarding refugees or asylum. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, but did not routinely grant refugee status or asylum.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Political parties compete in free and fair elections by secret ballot at least every 5 years. All citizens over the age of 18 may vote. The Prime Minister exercises executive power along with the Cabinet of Ministers that he appoints, balanced by the bicameral Parliament and the judicial system. In the May 2003 elections, the BLP, led by Prime Minister Owen Arthur, won its third parliamentary election, returning to office with a 23 to 7 seat majority over the Democratic Labor Party.

Access to information was provided on government websites; however, requests for specific government information by citizens and other interested parties often were delayed for excessive periods of time.

Approximately one-third of cabinet members were women, including the Deputy Prime Minister, who was served concurrently as the Attorney General and Minister of Home Affairs. There were 4 women and no minorities in the 30-seat Parliament. There were 7 women and 3 minorities in the 21-member Senate.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for equal treatment under the law, regardless of race, religion, or sex, and the Government generally

respected these rights in practice.

#### Women

Violence and abuse against women continued to be significant social problems. One official reported that one of every five injured women treated in the emergency room was a victim of domestic violence. The Police Commissioner stated that there were 84 rapes reported during the year. Spousal abuse remained a significant problem during the year, despite legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order.

The Domestic Violence Law provides protection to all members of the family, including men and children, and applies equally to marriages and to common law relationships. Criminal penalties for violent crimes were the same regardless of the sex of the offender or the victim; however, in practice, female offenders usually received lighter sentences than their male counterparts for similar offenses. Penalties depend on the charge and severity and include a fine for a first time offense (unless the injury is serious) up to the death penalty for a killing. Police reported 491 complaints of domestic violence. The courts heard a number of cases of domestic violence against women involving assault or injury. Victims may request restraining orders, which the courts often issued. The courts can sentence an offender to jail for breaching such an order. The police have a Victim Support Unit, made up of civilians and volunteers, which offered support to victims, particularly female victims, of violent crimes.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The Business and Professional Women's Club operated a crisis center staffed by trained counselors and provided legal and medical referral services. The Government funded a shelter for battered women, operated by nongovernmental organizations, which accommodated 20 women and children. The shelter offered psychological and physiological counseling by trained counselors to victims of domestic violence.

Prostitution is illegal, but it remained a problem, fueled by poverty and tourism. The media occasionally reported about prostitution, usually in the context of concern over HIV/AIDS. There is no statute specifically prohibiting sexual tourism, and no statistics on it; however, anecdotal evidence suggested it occurred.

Sexual harassment in the workplace was a problem, but no statistics were available. Media reports often indicated that women were afraid to report sexual harassment because they feared abuse in the workplace. The Barbados Workers Union continued to seek guidelines on sexual harassment in contracts and agreements it concluded with employers.

The Office of Gender Affairs in the Ministry of Social Transformation worked to ensure the rights of women. Women actively participated in all aspects of national life and were well represented at all levels of the public and private sectors. A Poverty Eradication Fund focused on encouraging entrepreneurial activities to increase employment for women and youth. Women owned approximately 30 percent of all businesses in the Small Business Association and carried in excess of 70 percent of the recent mortgages in the country. The Government reported that the number of female applicants for the police force, as well as for other jobs traditionally held by men, continued to increase. Women have equal property rights, including after a divorce.

#### Children

The Government was committed to children's human rights and welfare, although violence and abuse against children remained serious problems. The Government provided for compulsory, free, and universal education until the age of 16. The Government estimated that 98 percent of children between the ages of 5 and 16 attended school. The highest educational level achieved by most children was secondary school.

The national health insurance program provided children with free medical and dental services for most medical conditions.

The Child Care Board has a mandate for the care and protection of children, which involved investigating day care centers and cases of child abuse or child labor, and providing of counseling services, residential placement, and foster care. The Welfare Department offered counseling on a broad range of family-related issues, and the Child Care Board conducted counseling for child abuse victims. Through October, 953 cases of child abuse were reported, including 243 cases of physical abuse, 224 cases of sexual abuse, 396 cases of neglect, 85 cases of emotional abuse, and 5 cases of abandonment.

#### Trafficking in Persons

No laws specifically address trafficking in persons, although laws against slavery and forced labor could be applied, and there were no reports that persons were trafficked to, from, or within the country.

#### Persons with Disabilities

Other than constitutional provisions of equality for all, there are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services. In practice, persons with disabilities faced discrimination. Informal surveys suggested that there were 10,000 to 12,000 persons with disabilities in the country. The Ministry of Social Transformation operated a Disabilities Unit to address the concerns of persons with disabilities. However, in October, a

group of parents accused the Government of not providing higher education for deaf children. Officials from the Ministry of Education stated that there was no law preventing deaf students from gaining higher education, but the students were not up to standard. There were also complaints of added fees assessed to parents and transport difficulties for children with disabilities at government schools. The Labor Department, a unit within the Ministry that finds jobs for persons with disabilities, has long advocated the introduction of legislation prohibiting discrimination.

While there is no legislation mandating provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, the majority of new buildings had ramps, reserved parking, and special sanitary facilities for such persons.

#### Other Societal Abuses and Discrimination

There are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. Societal discrimination was common, although reported incidents of discrimination against homosexuals dropped significantly during the year.

The Government sustained a well-financed fight against the high incidence of HIV/AIDS. In addition to actions designed to limit the spread of the disease, the Government initiated programs designed to assist persons living with HIV/AIDS and to discourage discrimination against infected persons.

In October, the Labor Department, in association with the International Labor Organization (ILO), established a partnership to reduce the stigma of AIDS in the workplace.

#### Section 6 Worker Rights

##### a. The Right of Association

Workers freely exercised their right to form and belong to trade unions. Approximately 19 percent (28,800) of the 148,000-person workforce was unionized; unionized workers were concentrated in key sectors, such as transportation, government, and agriculture.

Although employers were under no legal obligation to recognize unions under the law, most did so when a significant percentage of their employees expressed a desire to be represented by a registered union. While there is no specific law that prohibits discrimination against union activity, the courts provide a method of redress for employees who allege wrongful dismissal. The courts commonly awarded monetary compensation but rarely ordered reemployment.

##### b. The Right to Organize and Bargain Collectively

Workers exercised the legal right to organize and bargain collectively. Since 1993, a series of negotiated protocols have contained provisions for increases in basic wages and increases based on productivity. There are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice. All private and public sector employees are permitted to strike, but essential workers may strike only under certain circumstances and after following prescribed procedures. The ILO criticized the Better Security Act of 1920, which provides that persons who willfully and maliciously break a contract knowing that it would cause injury to persons are liable for a fine or 3 months' imprisonment. The ILO asked that the law be amended on the grounds that it could be invoked in the case of a strike; the Government did not take any action to do so.

At year's end, the Government was still reappraising civil service salary scales.

##### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

##### d. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum working age of 16, and this provision generally was observed in practice. Compulsory primary and secondary education policies reinforced minimum age requirements (see Section 5). The Labor Department had a small cadre of labor inspectors who conducted spot investigations of enterprises and checked records to verify compliance with the law. These inspectors may take legal action against an employer who is found to have underage workers.

##### e. Acceptable Conditions of Work

The law provides for and the authorities establish minimum wages for specified categories of workers. Only two categories of workers have a formally regulated minimum wage--household domestics and shop assistants. The minimum wage for these employees is \$2.50 (£1.55), which provided a decent standard of living for a worker and family; most employees earned more than the minimum wage. Some persons also received remittances from relatives abroad or operated cottage industries to supplement their income.

The standard legal workweek is 40 hours in 5 days, and the law requires overtime payment for hours worked in excess. The Government respects ILO conventions, standards, and other sectoral conventions regarding maximum hours of work. However, there is no general legislation that covers all occupations. Work in excess of 8 hours a day or 40 hours a week or work on a holiday or day off requires payments of a premium. Employers must provide a minimum of 3 weeks' annual leave. Unemployment benefits and national insurance (social security) covered all workers. A comprehensive, government-sponsored health program offered subsidized treatment and medication.

The law provides for occupational safety and health standards. The Labor Department enforced health and safety standards and followed up to ensure that management corrected problems cited. The law also requires that in certain sectors firms employing more than 50 workers create a safety committee. This committee could challenge the decisions of management concerning the occupational safety and health environment. Trade union monitors identified safety problems for government factory inspectors to ensure the enforcement of safety and health regulations and effective correction by management. The Barbados Workers Union accused government-operated corporations in particular of doing a "poor job" in health and safety. The Labor Department's Inspections Unit conducted several routine annual inspections of government-operated corporations and manufacturing plants. During the year, two workers died after exposure to toxic fumes while cleaning the waste well at a local brewery. Workers were not provided with masks or other needed safety equipment for this dangerous task. Workers had a limited right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.